

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 6, 2010 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, December 6, 2010 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Edward B. Morgan, Mayor
Mrs. Cathy Lowe, Vice Mayor
Mr. Jason N. Berry
Mr. Richard E. Humphreys
Mr. Robert M. Howard

Administrative/Town Staff:

Gregory W. Kelly, Town Manager
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Mark Godbey, Town Treasurer/Dir. Of Finance
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
Garrett Jackson, Dir. Of Planning
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Of Public Services/Construction
Floyd Bailey, IT Department
Tony Sullivan, Chief of Police
Myra Cook, Dir. of Tourism
Joey Burke, Chief, Fire Department
John McCormick, Assistant Fire Chief

Visitors:

Stephen Browning, Mike Rush
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**B. PLEDGE OF ALLEGIANCE**

Tony Sullivan, Chief of Police led the Pledge of Allegiance.  
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C. APPROVAL OF MINUTES

- October 26, 2010 Work Session Meeting
- November 1, 2010 Work Session Meeting
- November 1, 2010 Regular Meeting

On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the minutes of the October 26, 2010 work session meeting, the minutes of the November 1, 2010 work session meeting and the November 1, 2010 regular meeting as presented.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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**D. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

**1. Public Hearing – Consideration of Acceptance of donation of property by Dr. Mann and Dr. Hayes by Deed of Gift.**

Mrs. Icenhour, Town Attorney reported that James A. Mann and Rachel Ann Hays wished to donate a piece of land they owned in the Alvarado section of the County to the Town by Deed of Gift. Mrs. Icenhour commented that the appraised value of the property was \$106,000 and the property was located in close proximity to the Alvarado Station along the Virginia Creeper Trail. Mrs. Icenhour recommended that the Council authorize the Town Manager to accept the donation.

Mayor Morgan declared the public hearing open and asked if anyone wished to speak. Hearing no comments, he closed the public hearing.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council authorized Town Manager, Greg Kelly, to accept the donation of property by Dr. Mann and Dr. Hayes valued at \$106,000 and referenced as Tax Map No.'s 148-4-2A and 148-4-3.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |

|                     |            |
|---------------------|------------|
| <b>Mr. Berry</b>    | <b>Aye</b> |
| <b>Mrs. Lowe</b>    | <b>Aye</b> |
| <b>Mayor Morgan</b> | <b>Aye</b> |



**2. Public Hearing – Consideration of Ordinance to vacate an unopened right of way, namely Plummer Street, within the Town of Abingdon, Virginia.**

John Dew, Director of Public Services and Construction informed the Council members that this matter had been before them for consideration at the November meeting. Mr. Dew reported that the Board of Viewers had reviewed the matter and recommended approval of the vacation but contingent upon Town staff sending out a second notice to adjoining properties. In addition Mr. Dew reported that the Town Attorney had requested that the developer of the property be asked to submit a plat that would depict the new building location. Mr. Dew informed the Council that the second notices had been sent out with no additional response and the developer had turned in the final plat for the property. Mr. Dew recommended that the Council approve the vacation of the right of way, namely Plummer Street, in the Town of Abingdon.

Mr. Morgan declared the public hearing open and hearing no comments, closed the public hearing.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the right of way vacation for Plummer Street as recommended by the Board of Viewers.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mr. Berry</b>     | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |



**E. SECOND READINGS OF ORDINANCES – None.**



**F. CONSIDERATION OF ANY BIDS**

**1. Consideration of project bids for the reroofing of the Abingdon Fire Department and the Wolf Creek Water Reclamation Facility (WCWRF), Sludge Dewatering Building #2 and Digester Building.**

Jim Smith, Town Engineer reported on the bids received for the roofing projects at the Fire Department and the Wolf Creek Water Reclamation Facility. Mr. Smith reported that Abingdon Roofing's bid in the total amount of \$74,758.00 was the low bidder. Mr. Smith reported that all three (3) projects were bid together to get a better price and that the bid does come in under the budgeted amounts for the projects.

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council approved the bid from Abingdon Roofing for the total amount of \$74,758.00 for the reroofing projects of the Abingdon Fire Department and the Wolf Creek Water Reclamation Facility (WCWRF), Sludge Dewatering Building #2 and Digester Building.**

The roll call vote was as follows:

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mr. Berry</b>     | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |



**G. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of the By-Laws for the Town's Go Green Committee.**

Garrett Jackson, Director Planning and member of the Town's Go Green Committee reported that the committee members had developed by-laws and they were before Council for their consideration and approval. Mr. Jackson pointed out several items that the committee gave additional consideration such as the size of the committee, the offices of the Chair and Vice Chair, and the handling of small issues by email.

Mr. Humphreys inquired about 3.1D of the by-laws with regard to member pay.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the By-Laws of the Go Green Committee as presented.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mr. Berry</b>     | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |



## **2. Consideration of the establishment of the Virginia Highlands Appalachian Heritage Garden Trail.**

Garrett Jackson, Director of Planning reported that he had been contacted by David Matlock, Vice President of Virginia Highlands Community College regarding the Town's partnership on the Heritage Garden Trail project. Mr. Jackson indicated that the two sites recommended for the Council's approval were Fairview for the planting of an early 1800's garden and the Veterans Memorial Park for a themed arboretum.

Mr. Berry inquired if the plans had been considered by the respective boards for Fairview and Veterans Memorial Park. Mr. Morgan commented that he would like to see wildflower meadows considered for both locations.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved garden/planting sites for the Fairview property and the Veterans Memorial Park property with final plans to be determined.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mr. Berry</b>     | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |



**3. Consideration and authorization to proceed with contract negotiations for the professional engineering services for Sanitary Sewer Collection System, specifically the West End Interceptor and the Infiltration and Inflow (I&I) system.**

Jim Smith, Town Engineer reported that six (6) proposals had been received for engineering services for the Sanitary Sewer Collection System. Mr. Smith indicated that a five (5) member committee of three (3) Town staff and two (2) council members had reviewed the proposals and chosen Olver as the first company to engage in negotiations with Peed & Bortz as the alternate if Olver was unable to meet the project requirements.

Mr. Berry commended on the grant funding that the Town had received in the amount of \$78,000 to assist with this project.

Mr. Kelly confirmed that the Peed & Bortz was the alternate selection should Olver not be able to meet the project requirements.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized Town staff to enter into negotiations with Olver, Inc. for the engineering services for Sanitary Sewer Collection System, specifically the West End Interceptor and the Infiltration and Inflow (I&I) system. If Olver, Inc. is unable to meet the project requirements, the Council authorized the Town to enter into negotiations with Peed & Bortz, LLC chosen as the alternate by the committee.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mr. Berry</b>     | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |

**Mayor Morgan      Aye**

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4. Consideration and authorization to proceed with contract negotiations for the Pedestrian, Road and Storm Drainage Improvements – various locations.

John Dew, Director of Public Services and Construction reported that he received nine (9) proposals for the Pedestrian, Road and Storm Drainage Improvements – various locations. Mr. Dew indicated that a committee comprised of Town staff and council members had reviewed the proposals and the recommendation of the committee was to begin negotiations with Mattern and Craig Engineers with AECOM as the alternate if Mattern and Craig are not able to meet the requirements of the project. Mr. Dew further indicated that Thompson & Litton had been chosen as a third alternate if the first two firms were not able to meet the project requirements.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council authorized Town staff to begin negotiations with Mattern & Craig for the Pedestrian, Road and Storm Drainage Improvements – various locations. If Mattern & Craig is unable to meet the requirements of the project, the Council authorized Town staff to begin negotiations with second alternate AECOM and third alternate Thompson & Litton.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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**5. Request for authorization of Town Manager to proceed with a public hearing at a special called meeting for disposition of property located in the Stonemill Business and Technology Park.**

Mr. Kelly, Town Manager reported that approximately 28.31 acres of property located in the Stonemill Business and Technology Park had been identified as a possible site for the location of the King College Medical School. Mr. Kelly recommended that the Council authorize him to call a special meeting on December 14<sup>th</sup> at 5:30 for the purpose of a public hearing with regard to the disposition of the property located in the Technology Park.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council authorized the Town Manager, Greg Kelly, to call a special meeting for the purpose of holding a public hearing regarding the disposition of 28.31 acres of land in the Stonemill Business and Technology Park with said hearing being held on December 14<sup>th</sup> at 5:30 p.m.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mr. Berry</b>     | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

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H. PASSAGE OF RESOLUTIONS

1. Consideration of a Resolution of the Council of the Town of Abingdon, Virginia regarding term limits for Council appointments to Boards and Commissions.

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the following Resolution:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA REGARDING TERM LIMITS FOR COUNCIL APPOINTMENTS

WHEREAS, the Council of the Town of Abingdon periodically makes and/or recommends many Council appointments to various Town of Abingdon Boards and Commissions as well as various other non-departmental, governmental or non-profit boards, committees and other agencies throughout the Town, Washington County and the Southwest Virginia region; and

WHEREAS, it is the desire of the Town to impose reasonable and consistent numbers of years of opportunity for its appointees to serve; and

WHEREAS, many current boards, committees and organizations have terms that range in length from one (1) to four (4) years; and

WHEREAS, the Town of Abingdon recognizes that eight (8) continuous uninterrupted years of service is a reasonable amount of time for any one person to serve on any such board, committee or organization; and

WHEREAS, the Town of Abingdon now desires to impose a reasonable limit on said uninterrupted service; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Abingdon, Virginia that any appointee, appointed or recommended for appointment, to any Town commission, board or other non-departmental, governmental or non-profit organization shall serve a maximum of eight (8) uninterrupted years to said commission, board or other non-departmental, governmental or non-profit organizations, regardless of the number of terms; and

NOW, THEREFORE BE IT FURTHER RESOLVED that after a one year period of off time, a said appointee shall thereafter be re-eligible to be appointed again for a maximum of eight (8) consecutive years, regardless of the number of terms.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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**2. Consideration of a Resolution of the Council of the Town of Abingdon, Virginia regarding the requests for funding by Non-Departmental agencies.**

Mayor Morgan read the Resolution into the record as follows:

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA REGARDING THE REQUESTS OF FUNDING BY NON-DEPARTMENTAL AGENCIES**

**WHEREAS**, the Council of the Town of Abingdon has seen a rise in recent non-departmental requests over the course of the past couple of fiscal years; and

**WHEREAS**, some Council members have expressed to Town Management the desire to limit these non-departmental requests, especially outside of the normal fiscal budget cycle; and

**WHEREAS**, the Council desires that all non-departmental requests abide by the same rules of protocol; and

**WHEREAS**, the Council now desires to adopt a formal policy relative to non-departmental requests for management to implement to eliminate arbitrary and untimely requests; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that all non-departmental requests shall be handled and administered as follows:

- All requests outside of emergency requests shall be made during the Town's normal budget cycle and should be submitted to the Town Manager's office on or before March 1<sup>st</sup> of each year. Requests received after March 1<sup>st</sup> will not be accepted, without reasonable explanation.
- All requests shall be accompanied by a written request setting forth the justification for the request and provide adequate financial data to support the need.
- If there is an increase from the prior year's request, a justification for the increase shall be submitted in writing; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Council of the Town of Abingdon that should a non-departmental request be made outside of the aforesaid normal fiscal year budget deadline, it shall only be reviewed and received by Council if all of the following criteria are met:

- The Town Manager, in his discretion, deems it to be a financial emergency for which the non-departmental organization is about to cease to exist or its mission is about to fail without additional funds;
- The non-departmental agency is an organization that contributes to the overall success of the Town's economy and is a viable revenue generator for the Town or contributes to the desirability of persons or entities to locate in and remain as residents or businesses of the Town; and
- The non-departmental agency provides an adequate list of other governmental (state, local and federal) funding that it has sought and acquired, as well as private resources that it has sought and acquired; and

**NOW, THEREFORE, BE IT FINALLY RESOLVED** that the Town encourages each and all annual budget requests be submitted on or before March 1<sup>st</sup> of each year to be appropriately considered for adequate funding for the entire year.

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Mr. Kelly noted that that the deadline for budget requests is March 1<sup>st</sup>. Mayor Morgan inquired about budget requests that are deemed emergencies and Mr. Berry commented that the Council would like to be advised of budget requests submitted by non-departmental agencies.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the Resolution as presented and read into the record.**

**The roll call vote was as follows:**

**Mr. Howard                      Aye**

**Mr. Humphreys                Aye**

|                     |            |
|---------------------|------------|
| <b>Mr. Berry</b>    | <b>Aye</b> |
| <b>Mrs. Lowe</b>    | <b>Aye</b> |
| <b>Mayor Morgan</b> | <b>Aye</b> |

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I. UNFINISHED BUSINESS

- 1. Application to repeal, amend, and reenact the Town of Abingdon Zoning Ordinance. Amend and reenact Article 8, Section 8-2B, Specialty Retail Shops as a Special Use in Subdistrict 10 of the Old and Historic District.**
 - a. First reading – proposed amendment to amend and reenact Article 8, Section 8-2B, Specialty Retail Shops as a Special Use in Subdistrict 10 of the Old and Historic District.**

Garrett Jackson, Director of Planning, reported that this application was on the agenda for the regular November Council meeting but was tabled till the December meeting so that Town staff could review the Zoning Ordinance and address additional questions expressed by Council about the application. Mr. Jackson provided background information about the application and indicated that Council members had discussed the matter in greater detail during the 5:30 work session meeting.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council directed the Planning staff and the Planning Commission to review each of the zoning districts containing special use permit sections, particularly Home Occupations, to ensure compliance with the international planning standards and report back to Council with recommendations for amendments.

The roll call vote was as follows:

Mr. Howard	Abstain <i>(Mr. Howard had a conflict of interest as a result of being the spouse of the applicant)</i>
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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**2. Consideration of petition of Kevin Young for the vacation of two (2) north-south portions of the right of way for Plummer Street, approximately 315 feet west of Green Springs Road.**

*No further action was required on this matter as it was addressed during section D2 of the agenda.*

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J. MATTERS NOT ON THE AGENDA

- Mike Rush with People, Inc. reported on the new market tax credits program that People, Inc. will be participating in within the town limits. Mr. Rush indicated the funding will be used to provide energy upgrades for two (2) multi-family housing units that had not been improved since the early 1980's.
- Town Manager, Greg Kelly, reported that the Council had discussed the Hill Alley project at the 5:30 work session. Mr. Kelly gave a brief history of the project that involves the back section of the Washington County Fairgrounds. Mr. Kelly reported that the DCR had recommended the approval of a variance to the Washington County Fair, Inc. group to proceed with the improvements to Hill Alley. Mr. Kelly recommended the Council approve the variance based on the recommendation by the DCR.

On motion of Mr. Berry, seconded by Mr. Humphreys the Council authorized the Town Manager to approve the variance requested by the Washington County Fair, Inc. group based on the recommendation of DCR.

The roll call vote was as follows:

Mr. Howard Aye

Mr. Humphreys Aye

Mr. Berry Aye

Mrs. Lowe Aye

Mayor Morgan Aye

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**K. COUNCIL MEMBER REPORTS**

- Mrs. Lowe reported that she had received a resolution regarding the proposed changes in the 4-H programs in the State of Virginia. Mrs. Lowe asked the Council to consider approving the Resolution and read it into the record as follows:

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA REQUESTING  
THE VIRGINIA GENERAL ASSEMBLY TO REQUIRE VIRGINIA TECH TO ABANDON THE  
VIRGINIA COOPERATIVE EXTENSION RESTRUCTURING PLAN**

**WHEREAS**, agriculture represents the number one industry in Washington County accounting for \$60 to \$70 million in sales annually; and

**WHEREAS**, the youth of Washington County are our most precious resource and our future, and

**WHEREAS**, the programs offered by the Washington County Extension Office, specifically in agriculture, families and 4-H youth have aided greatly in the success of our agriculture industry, families, and youth; and

**WHEREAS**, the plan proposed by Virginia Tech to restructure the Extension program has the potential to cripple this vital service; and

**WHEREAS**, local partners in this program, including local government, farmers, and families, have had no significant opportunity to provide input into the plan; and

**WHEREAS**, local sources (statewide) contribute over 50% of the funds necessary to support the local Extension programs; and

**WHEREAS**, the Extension program may have opportunities to improve, and changed should only be made after local partners have had an opportunity to be part of the process in a meaningful way (i.e. other than a survey); and

**NOW, THEREFORE, BE IT RESOLVED** that the Washington County Chamber of Commerce and the Council of the Town of Abingdon respectfully request that our representatives in the General Assembly of Virginia require Virginia Tech to abandon the current plan to restructure Virginia Cooperative Extension and make a diligent effort to work with all partners to develop a plan that will maintain an effective local office that serves our agriculture industry, our youth, and our families.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the Resolution as presented and read into the record.**

**The roll call vote was as follows:**

**Mr. Howard        Aye**

**Mr. Humphreys   Aye**

**Mr. Berry         Aye**

**Mrs. Lowe           Aye**

**Mayor Morgan   Aye**

- Mr. Howard reported that the Christmas Tree Lighting on December 4<sup>th</sup> was a success.

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L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. *Appointments to the Tourism Advisory Committee*

- Appointment to fill the expired term of George Brewer who is eligible to serve another term.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed George Brewer to serve a second term on the Tourism Advisory Committee.

The roll call vote was as follows:

Mr. Howard Aye

Mr. Humphreys Aye

Mr. Berry Aye

Mrs. Lowe Aye

Mayor Morgan Aye

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Mr. Berry commented that the Tourism Advisory Committee was to consider applications for recommendation to the committee at their December meeting and asked that Council postpone that appointment till the January meeting. Mr. Berry also inquired about the appointment of Emily Woolwine on the TAC committee as she was the representative for the William King Museum.

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Mayor Morgan declared the meeting adjourned.

December 6, 2010

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk